

UNITED STATES BANKRUPTCY COURT FOR THE  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION

In re:

GEA SEASIDE INVESTMENT, INC.

Case No. 3:13-bk-00165  
Chapter 11

Debtor,

\_\_\_\_\_ /

JACK ABERMAN

Case No: 3:13-bk-00167  
Chapter 11

Debtor.

\_\_\_\_\_ /

**ORDER MODIFYING AUTOMATIC STAY AS TO SELECT PORTFOLIO**

THIS CASE came before the Court upon Motion for Relief from Stay (Docket No. 69) (“the Motion”) filed by Select Portfolio Servicing, Inc. as servicing agent for Deutsche Bank National Trust Company, as Trustee, on behalf of the certificate holders of the IXIS Real Estate Capital Trust 2005-HE2, Mortgage Pass-Through Certificates, Series 2005-HE2. (the Movant”). The Court having considered the Motion, and the filed Consent of the Debtor (Docket No. 92) and being otherwise fully advised in the premises, it is

**ORDERED:**

1. The Motion, is granted with respect to Case No. 3:13-bk-00165 and Case No: 3:13-bk-00167.
2. The Automatic Stay imposed by 11 U.S.C. § 362 is modified to permit Movant to commence and prosecute a mortgage foreclosure action in state court to take possession of the subject property, the legal description of which is:

**UNIT 409, THE TOWERS APARTMENTS CONDOMINIUM, A  
CONDOMINIUM ACCORDING TO THE PLAT THEREOF  
RECORDED IN MAP BOOK 32, PAGE(S) 127 THROUGH 131, AND  
BEING FURTHER DESCRIBED IN THAT CERTAIN  
DECLARATION OF CONDOMINIUM RECORDED IN OFFICIAL  
RECORDS BOOK 1625, PAGE(S) 391, OF THE PUBLIC RECORDS  
OF VOLUSIA COUNTY, FLORIDA, TOGETHER WITH ITS  
UNDIVIDED INTEREST OR SHARE IN THE COMMON  
ELEMENTS AND ANY AMENDMENTS THERETO..**

**A/K/A: 2800 North Atlantic Ave., #409 , DAYTONA BEACH, FL 32118**

3. This Order is entered for the sole purpose of allowing Movant to obtain an *in rem* judgment against the property and to take possession of the subject property, and Movant shall not seek an *in personam* judgment against Debtors.

4. The fourteen (14) day stay provided for by Bankruptcy Rule 4001 (a)(3) is waived so that Movant can pursue its *in rem* remedies without further delay.

Dated this 24 day of April, 2013, in Jacksonville, Florida

A handwritten signature in black ink, appearing to read "Jerry A. Funk", written over a horizontal line.

Jerry A. Funk  
United States Bankruptcy Judge

Copies Furnished to:

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***U.S. Trustee***

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